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PEDAGOGICAL ASPECTS OF THE PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF THE PHILOSOPHY OF EDUCATION AND LAW

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Abstract: The main goal of the study is to determine the main pedagogical aspects of the protection of human rights in the context of the philosophy of education and law. The philosophy of human rights, in the context of the philosophy of education and the philosophy of law, is an integral part of philosophical anthropology, the most important task of which is to study the nature of humans, which serves as the source of his inalienable rights and freedoms. The main aspects of the study are the issues of phenomenology and ontology, revealing human rights as its attributive property, which is formed in the context of social life. An important aspect of this issue is the study of the pedagogical aspects of the human rights protection system in the context of the philosophy of education and law. A detailed study of the foundations of the protection of human rights and their philosophical essence serves as a powerful basis for the formation of a modern democratic society. As a result of the study, the main aspects of the essence of human rights in the context of the philosophy of education and law were identified.

Keywords: philosophy of law, philosophy of education, human rights, human nature, philosophical anthropology, democratic society.

Introduction

Human rights and freedoms occupy a special place in the hierarchy of social values. Among the numerous principles of the rule of law, scientists, both philosophers, and lawyers, in the system of the philosophy of education and the philosophy of law, single out the idea of freedom

and human rights as the highest values of society. In the world, the problem of human rights is a key one, the solution of which largely determines the image of the modern world, as well as the fate of human civilization (Kryshtanovych, Golub, Kozakov, Pakhomova, & Polovtsev, 2021). Since ancient times, scientists have thought about the essence of the state and law,

their origin and development, and, consequently, human rights. These studies continue to this day. In this context, the question is important and interesting: how will ideas about human rights change in the future against the backdrop of global transformations taking place in our social, political, economic, and cultural life?

It is generally accepted, in the context of the philosophy of law and the philosophy of education, to define human rights as principles and norms of relations between people and the state, which provide a person with the opportunity to act at his own discretion or receive certain benefits. Undoubtedly, human rights are dialectically related to biological and social needs, which are the vital needs of self-expression of the individual. And, precisely, the possession of them makes a person a subject of the historical process, a unique personality. Some scientists believe that the rights due to human nature are persistent and unchanging human traits that are inherent in *Homo sapiens* (reasonableness and the ability to communicate to joint expedient activities). From the point of view of other scientists, "human rights are a social phenomenon that reflects important features, properties, qualities of the human personality, due to a given stage of the historical development of society" (Forghani, Keshitaray, & Yousefy, 2015, p. 98).

Philosophical primary sources of human rights and freedoms go back to the depths of centuries. In the era of early Antiquity, in the sayings of the sages, the right was correlated with a "certain equal measure": "Nothing beyond measure" (Solon), "The middle road is the best". From the point of view of the sages and the first philosophers, the law in general, as well as the rights of individuals, are impossible without a general norm of behaviour as a measure of what is permitted and prohibited. Protagoras, the head of the ancient Greek sophists, formulated the well-known basic principle: "man is the measure of all things". This means that the existing state-polis assumes the equal participation of all its members in human virtue, to which he attributed, first of all, justice, prudence, and piety (Overton et al., 2020). Protagoras wrote the laws of a democratic form of government and justified the equality of free people. Socrates also emphasized that freedom is achievable only on the path of the need to comply with all reasonable and fair laws of the policy, and his student Plato emphasized that

justice also consists in the fact that no one seizes someone else's and does not lose his own. For Epicurus, justice is a natural law with changing content. His contractual conception of state and law presupposes equality, freedom, and independence of people and is, in essence, historically the first philosophical and legal theory. It is known that Aristotle, in his ethics, theoretically substantiated the problems of justice, freedom, and welfare, which for him, are directly related to law (Plato, 2002; Datsii, et. al., 2021).

However, he did not perceive personality as an independent value; it was considered through the interests of the policy. If you are a citizen of the policy, then you have a whole range of rights; if you are not a citizen, then you have no rights. It is quite obvious that the philosophers of Antiquity did not separate law from justice. According to the first definition of the Roman jurist Celsus, "law is the science of the good and the just", and justice is the core of the law. The natural-legal ideas of the thinkers of Antiquity about the freedom and equality of all people were further developed in Ancient Rome. For example, the position of the Greek Stoics about the world's natural law was used by the Roman Stoics, who argued that slavery has no justification since it contradicts the general law and the world community of people.

In a modern interpretation, human rights were first voiced in England at the end of the Middle Ages. During the period of domination of feudalism, attempts were made to limit the rights of the monarchy, to combine it with estate representation, and to determine for the monarch the rules that he must follow. In 1215, the Magna Carta was adopted. It contains articles aimed at limiting the arbitrariness of royal officials, for example, in the form of a requirement not to appoint sheriffs and constables who do not know the laws or do not want to comply with them. Article 39 of the Magna Carta is interesting, which provides for the possibility of applying punishment to the free, only according to a legal sentence and according to the law of the country. The Magna Carta is still recognized as "the cornerstone of English liberty" (Müller, 2019).

Education is one of the main indicators of the quality of life of a society; it affects its economic and cultural development. It is thanks to the education system that a person first encounters social norms and comprehends his own rights and obli-

gations. It is a kind of social institution without which the nation is not able to self-identify and develop. Education should be associated with spiritual culture, aimed at national revival and return to humanization. Modern education makes it possible to improve the abilities of pupils and students, to independently analyze and express their opinion and defend their position. All this in the future, after completing the training, will allow you to navigate social processes, allow you to realize and protect your own rights and obligations, as well as influence the adoption of public decisions, and adapt to the social environment. Therefore, education becomes one of the main determinants in the spiritual culture of youth.

Of course, an educated person can also be a person who does not have a formal education, primarily a higher one but is engaged in self-education. However, in modern conditions, education is acquired primarily in higher education. Higher education itself plays a significant role in social transformation. Many researchers emphasize that today the viability of any country depends on its orientation towards the development of the social institution of education, in particular higher education, on the acquisition by this institution of the qualities of social subjectivity. Thus, we can say that the reform of higher education is determined not only by the intellectualization of most areas of public life but by the need to form a personality whose qualities would meet the challenges of the time. Therefore, today the focus of modern educational practices is not the transmission of knowledge (although this is important) but the development of the individual - intellectual, spiritual, moral, etc. The latter is the main idea of the new educational human-centric paradigm.

The most important distinguishing feature of human rights as a phenomenon of world culture and civilization is that they embody in a certain form the high ideals of human freedom and equality, such universally recognized moral principles as justice, mercy, and humanity. That is, they are ethical in nature and represent a spiritual and moral ideal. Human rights are the humanism of the modern age. They, as an important part of the philosophy of law and the philosophy of education, stem, as the Universal Declaration of Human Rights emphasizes, from the recognition of the inherent dignity of all members of the human family. If for the theory of the rights of a

citizen, the basic concepts are legality and illegality, then for the theory of human rights - humanity and inhumanity. During the Renaissance, humanism was elitist and concerned only a small part of society. At present, it has acquired a massive, universal character and is based on the principle of All rights for all.

Methodology

When writing a research paper, in order to obtain the most accurate results, a system of methods of philosophical, general scientific, and especially scientific levels was used. The basis of the study is philosophical methods: dialectical (the main principles of which are objectivity, comprehensiveness, concreteness, and completeness of knowledge, bifurcation of the single and knowledge of its contradictory sides, etc.), logical (the main methods of which are analysis and synthesis, induction and deduction, analogy ascent from the concrete to the abstract and from the abstract to the concrete). Among the general scientific methods of cognition, methods of system analysis (structural, functional, factorial, genetic), target, and typological were used.

Of the especially legal ones, it was applied: historical and legal - to reveal the genesis and development trends of personal human rights; formal legal - in determining the basic concepts, as well as signs of personal human rights; comparative legal - to identify similar and different features when comparing scientists' understanding of the concept of human rights, securing the right to life, defining its boundaries.

Research Results and Discussions

The formation and development of the modern worldview and methodological paradigm is impossible without philosophy as the theoretical basis of the human worldview of its rights and freedoms, without understanding philosophy as a vital task. Therefore, in our time, there is a growing demand for the mastery of philosophy as a suitable type and way of thinking.

In critical periods of history, when old ideological and psychological stereotypes are replaced by a new system of views and values, a real opportunity opens up for the humanization

of the social sphere, the realization of the personal potential of every citizen of our state, his rights and freedoms. Activities in the field of education, especially direct pedagogical activity, are closely intertwined with the foundations of the worldview of human rights and freedoms, even if she is not aware of it. The pedagogical process, for the most part, reveals and forms new value orientations of the individual, therefore in pedagogical activity, it is very important to be guided by such worldview principles that orient people towards creative self-realization and awareness of their own planetary-cosmic essence (Maciejewski, 2017).

A modern teacher should teach his students to be open, ready to overcome difficulties, navigate the new information society, constantly improve themselves and strive for self-realization, as well as protect their own rights and freedoms. Philosophy, which has always been a herald and a catalyst for reforms that are actively implemented in various areas of modern social life around the world, the philosophy based on which a new "philosophy of education" arose, provides answers to the question of how the pedagogical process should be organized in modern conditions. Information society; what should be the teacher of the third millennium (Forghani, Keshtiaray, & Yousefy, 2015).

The philosophy of education ensures the mastery of knowledge and technologies of modern educational activities in the context of the transformation of society. Also, its functioning includes the substantiation of the axiological and pedagogical prerequisites for the formation of a personality, the essence of its rights and freedoms, which will determine its place in a new, dynamic, modern society for the purpose of self-realization.

The philosophy of law is one of the areas of general theoretical legal knowledge. It appears as a scientific discipline, which is called upon to give an ideological explanation of the law, its meaning, and purpose for people, to substantiate it from the angle of human existence, and the value system existing in it. Past and modern philosophies about law include one or another version of the difference between law and law. We are talking about the difference between law by nature and law by the human establishment, natural law and volitional law, justice and law, philosophical law and positive law (the term "posi-

itive law" arose in medieval jurisprudence and meant the denial of the necessity and possibility of the philosophy of law), etc. (Ghanem, 2022).

Both the philosophical teachings themselves and the corresponding philosophical interpretations of the law have had and continue to have a significant impact on the entire legal science and the philosophical and legal approaches and concepts developed within its framework. At the same time, jurisprudence, theoretical provisions of law, and the problems of its formation, improvement, and development have a great influence on philosophical research on legal topics.

History and modernity show that human rights are a vital necessity, a potential, and not just a real opportunity. Human rights are actively studied in educational institutions in the system of the philosophy of education and the philosophy of law (Kazanchian, 2020).

Violations of human rights, especially on legal grounds, have a detrimental effect on the social psychology and consciousness of people. They interfere with the education of a person's self-esteem, and self-confidence, in their abilities and give rise to the psychology of conformism, and irresponsibility, developing a sense of fear, powerlessness, inferiority, uncertainty about their future, and the ability to influence the course of events in society.

Philosophical and pedagogical understanding of the phenomenon of human rights thus gives the basis for the conclusion that they express the vital need of the individual for self-expression, all-around development, and the manifestation of creative forces and abilities. However, this is not a process of passive waiting but active action. It can be said that human rights exist as long as they are fought for. It is thanks to this that human rights turn from a possibility into a reality and are realized in his life, image, quality, and standard of living. This means that in order to move from revealing social inequality to effectively overcoming injustice, it is necessary to widely, widely affirm the idea of human rights in individual and public consciousness and an uncompromising desire for their recognition and implementation (Kryshtanovych, Zyazyun, Vykrushch, Huzii, & Kalinska, 2022). This can happen if this desire is embodied in need of a person to become an original creative person, to get rid of constant pressure from the state or other forces that limit his freedom of thought and action. In this regard,

one should recognize the correctness of the English saying Human rights are taken, not given; that is, human rights are required, and not as a gift from the state, as the rights of a citizen. Needs are varied and vary greatly from person to person. This is reflected in the fact that the value of certain rights and freedoms - political, civil, economic, social, and others - is not the same for different people. Therefore, the orientation of the interests and aspirations of people differs. But this discrepancy is the source of development of both societies and the individual himself (Vashkevych, Krokmal, Qi, Mordous, & Ratushna, 2021).

The system of protection of human rights in its philosophical and legal aspects is an important issue in the system of today's education. This problem is leading in such sciences as the philosophy of law and the philosophy of education.

To date, two basic ideas about the status of the philosophy of law have been formed in the education system:

According to the first, the philosophy of law is understood as an integral part of general philosophy and is located among such disciplines as the philosophy of religion, the philosophy of politics, and the philosophy of morality. Here, the philosophy of law refers to that part of the general philosophy that imposes on the individual the way of behaviour necessary for the social being, that is, the doctrine of the proper practical philosophy. Philosophical and legal questions are wider than cognitive, methodological, and other possibilities of legal science. Moreover, the philosophy of law cannot be limited to epistemology or cultural studies. It is an independent theory of philosophy, an element of general philosophy (Nickel, 2019).

The second approach classifies the philosophy of law as a branch of legal science. From this position, it becomes the theoretical foundation for the creation of positive law and the science of positive law. The philosophy of law here is understood as a science that explains in the "ultimate instance" the meaning of legal principles and legal norms.

The most important difference between human rights as a phenomenon of world culture and civilization is that they embody in a certain form the high ideals of human freedom and equality, such universally recognized moral principles as justice, mercy, and humanity. That is,

they are ethical in nature and are spiritual and moral ideal. Human rights in the system of the philosophy of education and philosophy of law are the humanism of the modern era. They arise, as emphasized in the Universal Declaration of Human Rights, from the recognition of the dignity inherent in all members of the human family. If the basic concepts of the theory of citizen's rights are legality and illegality, then the theories of human rights are humanity and inhumanity. During the Renaissance, humanism had an elitist character and concerned only a small part of society. Currently, it has acquired a mass, universal character and is based on the principle of All rights for all (Zbigniew, 2019).

From the beginning of their awareness of human rights, people protested against oppression and social injustice. This was embodied in the first anti-slavery laws and in the pursuit of freedom of thought and religious tolerance.

Understanding the essence and methods of ensuring human rights largely depends on the inner world of a person, his spiritual and moral development, and the level of his education. In this regard, the concepts of freedom, respect for human dignity, justice, charity, and compassion for others should be the most important guidelines and values.

From the point of view of the philosophy of education, human rights are the most important factor in the harmonization and humanization of relations between people, individuals, society, and the state. Consequently, it is completely unfair, unnatural, and immoral to demand special rights and freedoms for oneself because, in this case, they are not secured by the fulfilment of one's obligations to others and claim to be secured at the expense of one's human needs and interests (Kryshchanovych, Chubinska, Gavrysh, Khlitobina, & Shevchenko, 2021).

The question of whether the inalienable rights of a person are an external possibility or an internal need of an individual is of great philosophical importance both in the system of the philosophy of law and in the system of the philosophy of education. There is, for example, a point of view according to which human rights are a set of opportunities available to him to meet vital needs, self-realization, and development. Thus, human rights should be understood as certain social opportunities established by law and which are an integral part of the legal status of a person, pro-

vided with appropriate legal guarantees and procedures for their implementation.

We can agree with the statement that a person is formed and exists as a kind of personality, a personality only insofar as he has the conditions for his development. Conditions are a means, a prerequisite for their fulfilment. Ways to ensure and guarantee human rights may be different depending on a number of socio-economic, political, and cultural factors, but the meaning and value of human rights are universal and absolute (Castro, 2005).

Reasonable needs, vital interests, and ways to satisfy them thus act as the main prerequisite for the formation and functioning of human rights as an integral property of a person and a phenomenon of world culture and civilization. However, in order for these needs to become an effective incentive for the realization of human rights and freedoms, they must be realized. In this regard, a situation may arise when a person has an external opportunity to ensure certain rights, but this is not necessary; the person will not strive to ensure them. But without active, purposeful actions on the part of a person, no rights and freedoms can be realized on their own. When a conscious need and understanding of the vital importance of these rights and freedoms for the existence and development of a person has formed, he will inevitably use all opportunities to ensure them.

Philosophical understanding of the phenomenon of human rights thus gives grounds for the conclusion that they express the vital need of the individual for self-expression, all-around development, and manifestation of creative forces and abilities (Shevchenko, Kudin, & Kalhanova, 2020). However, this is not a process of passive waiting but active action. It can be said that human rights exist as long as they are fought for. It is thanks to this that human rights turn from a possibility into a reality and are realized in his life, image, quality, and standard of living. This means that to move from revealing social inequality to effectively overcoming injustice, it is necessary to widely affirm the idea of human rights in individual and public consciousness and an uncompromising desire for their recognition and implementation. This can happen if this desire is embodied in need of a person to become an original creative person, to get rid of constant pressure from the state or other forces that limit his freedom of thought and action.

Conclusion

Human rights are diverse, as they reflect the abundance of the human personality, which embodies natural, social, and spiritual principles. The study of human rights in the context of the philosophy of education and the philosophy of law is the most important element in understanding the essence of the paradigm of observance of human rights in society. A human is a thinker who experiences, creates, and destroys a being. He is a hardworking citizen, public figure, and family man. In a particular person, these features are combined in a peculiar way, which gives the personality uniqueness and uniqueness.

Human rights are vital to self-expression. Only careful study and subsequent possession of rights and fundamental freedoms make a person a subject of historical creativity, a unique personality capable of self-development and self-government.

An integral perception of this problem is impossible without a philosophical understanding of the essence of human rights as an integral property of the individual and a phenomenon of world culture and civilization in the context of the philosophy of law and the philosophy of education. In modern understanding, philosophy is primarily a reflection (reflection, self-knowledge) of the universals of culture, that is, the second nature created by the mind and hands of man.

The philosophy of education and the philosophy of law is aimed at revealing the essence of human rights as the fundamental paradigm of any civilized society. Education aims to educate students about their rights in a way that makes it clear that the legal system works and effectively solves existing problems in society. The philosophy of law also, in a way, gives knowledge about the philosophical essence of human rights and tries to teach that there is nothing more important than one's own rights. This determines the relevance of the chosen topic.

The philosophy of human rights, in the context of the philosophy of education and the philosophy of law, is an integral part of philosophical anthropology, the most important task of which is to study the nature of humans, which serves as the source of his inalienable rights and freedoms. The main aspects of the study are the issues of phenomenology and ontology, reveal-

ing human rights as its attributive property, which is formed in the context of social life. An important aspect of this issue is the study of the pedagogical aspects of the human rights protection system in the context of the philosophy of education and law. A detailed study of the foundations of the protection of human rights and their philosophical essence serves as a powerful basis for the formation of a modern democratic society.

As a result of the work done, the main pedagogical aspects of the protection of human rights were identified in the context of the philosophy of education and the philosophy of law. In the course of the study, it was found that the philosophical aspects of the protection of human rights have significant historical experience, as a result of which they have been modified and supplemented. It is also determined that the issue of studying the philosophical aspects of human rights and the relevance of their provision is an important element of the modern education system.

The constitutive influence, according to the majority of scientists, on the development of human rights was exerted by the natural-legal concept, which determined the primacy of human rights, outlining new possibilities for the relationship between the individual and power. The key property of natural law is that its quintessence is universal human values. Natural legal concepts characterize human rights as a manifestation of the values of human existence and a manifestation of objective needs. However, one should not disregard the fact that understanding the genesis and essence of human rights was assessed by taking into account two antithetical positions; a certain antipode of naturalism was the positivist approach to understanding human rights. Under the conditions of legalist legal understanding, the concepts of state and law dominate over the concept of human rights, and in the second understanding, the dominants are the individual and their natural rights.

In conclusion, taking into account the considered options for understanding human rights, critical generalization of the above conclusions and taking their leading ideas as a basis, we can say that human rights in the context of the philosophy of law and the philosophy of education are a common and equal measure (norm) of freedom (possible behaviour) necessary to meet

the basic needs of its existence, development and self-realization, which in certain specific historical conditions is determined by the mutual recognition of freedom by the subjects of legal communication.

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